

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 244,610-240
First Named Inventor: BARBUT, Denise
Prior Application Information:
Serial No. 10/006,410
Examiner: K. Truong
Art Unit: 373i

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FILING UNDER 37 C.F.R. §1.53(b)

This is a request for filing for a continuation application under 37 C.F.R. §1.53(b) of pending prior application U.S. Application Serial No. 10/006,410, filed November 30, 2001, which is a division of co-pending U.S. Application Serial No. 09/691,641, filed October 18, 2000, now U.S. Patent No. 6,423,086, which is a continuation of co-pending U.S. Application Serial No. 09/455,874, filed December 6, 1999, now U.S. Patent No. 6,235,045, which is a continuation of co-pending U.S. Application Serial No. 09/336,372, filed June 17, 1999, now U.S. Patent No. 6,117,154, which is a continuation of co-pending U.S. Application Serial No. 08/842,727, filed April 16, 1997, now U.S. Patent No. 5,989,281, which is a continuation-in-part of U.S. Application Serial No. 08/640,015, filed April 30, 1996, now U.S. Patent No. 5,769,816, which is a continuation-in-part of U.S. Application Serial No. 08/584,759, filed January 11, 1996, now abandoned, which is a continuation-in-part of U.S. Application Serial No. 08/580,223, filed December 28, 1995, now abandoned, which is a continuation-in-part of U.S. Application Serial No. 08/553,137, filed November 7, 1995, now abandoned, by BARBUT, Denise et al., entitled:

**CANNULA WITH ASSOCIATED FILTER AND METHODS OF USE
DURING CARDIAC SURGERY**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EV337189705US) in an envelope addressed to the Commissioner for Patents, Mail Stop Patent Application, PO Box 1450, Alexandria, VA 22313-1450.

December 31, 2003
Date of Deposit
IR1:1051094.1

Cynthia B. Pacheco
Cynthia B. Pacheco

The PTO did not receive the following
listed item(s) REFERENCES LISTED
UNDER THE IDS

APPLICATION ELEMENTS ENCLOSED

- 64 Page(s) of Written Description
18 Page(s) of Claims
1 Page(s) of Abstract
17 Sheet(s) of Drawings ☒ formal ☐ informal
3 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
☒ Copy from prior application [37 CFR §1.63(d)]
☐ Newly executed
☒ Other: Notification
☒ Copy of recorded assignment papers (cover sheet and documents(s))
☒ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

FEE CALCULATION

- ☐ Applicant claims small entity status under 37 C.F.R. §1.27.

BASIC FILING FEE:								\$770.00
Total Claims	66	-	20	=	46	x	\$18.00	\$360.00
Independent Claims	11	-	3	=	8	x	\$86.00	\$688.00
Multiple Dependent Claims	\$290	(if applicable)					<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS								\$1,818.00
Reduction by ½ for Filing by Small Entity.							<input type="checkbox"/>	\$0.00
Misc. Filing Fees (Recordation of Assignment)								\$0.00
TOTAL FEES DUE HEREWITH								\$1,818.00

PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
☐ The certified copy will follow.

AMENDMENTS

- ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____. A copy of the petition for extension of time in the prior application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending prior application. A copy of the conditional petition for extension of time in the prior application is attached.

ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: December 31, 2003

By: *Diane K. Wong*
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicants

DKW:cp
Enclosures

EDWARDS LIFESCIENCES CORPORATION

Name of Assignee

One Edwards Way, Irvine, California 92614

Address of Assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on April 29, 2003, at Reel 013998, Frame 0632.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

BARBUT, Denise et al.

Serial No.: Not yet assigned

Filed: Submitted herewith

For: CANNULA WITH ASSOCIATED
FILTER AND METHODS OF USE
DURING CARDIAC SURGERY

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

NOTIFICATION

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Please be advised that claims 1-66 herein were copied substantially from Linder et al., U.S. Patent Application Serial No. 10/186,275 (Pub. No. US 2003/0004539 A1); Linder et al., U.S. Patent Application Serial No. 10/186,292 (Pub. No. US 2003/0004540 A1); Linder et al., U.S. Patent Application Serial No. 10/186,304 (Pub. No. US 2003/0004541 A1); and Linder et al., U.S. Patent Application Serial No. 10/186,255 (Pub. No. US 2003/0009188 A1).

Respectfully submitted,
O'MELVENY & MYERS LLP

Dated: December 30, 2003

By: *Diane K Wong*
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